

REMARKS/ARGUMENTS

The Examiner is thanked for his comments during a telephone interview of June 22, 2004 which have greatly helped the Applicant in responding to the Office Action. Each issue raised in the Final Office Action mailed April 22, 2004 is addressed hereinafter.

I. STATUS OF CLAIMS

Claims 1-14 remain in this application. Claims 1-20 have been rejected. As discussed with the Examiner, Claims 1-8 and 11-14 have been amended to clarify the invention. Claims 15-20 have been canceled. It should be noted that Applicant has elected to amend said Claims solely for the purpose of expediting the patent application process in a manner consistent with the PTO's Patent Business Goals, 65 Fed. Reg. 54603 (9/8/00). In making this amendment, Applicant has not and does not in any way narrow the scope of protection to which Applicant considers the invention herein to be entitled and does not concede, in any way, that the subject matter of such Claims was in fact taught or disclosed by the cited prior art. Rather, Applicant reserves Applicant's right to pursue such protection at a later point in time and merely seeks to pursue protection for the subject matter presented in this submission.

II. CLAIM REJECTIONS – 35 U.S.C. § 103

The Office Action rejected Claims 1-20 under 35 U.S.C. § 103(a) as being unpatentable over Chauhan (hereinafter “Chauhan”) U.S. Patent No. 6,115,752 in view of Scharber (hereinafter “Scharber”) U.S. Patent No. 6,542,964. The rejection is respectfully traversed.

Claims 1 and 8 have been amended to clarify the invention and appear as follows:

21. A method, comprising:

receiving a request from a user for a web page at a first web address, the first web address including a hostname;

determining traffic loads of a plurality of mirrored customer web servers, each of the customer web servers storing the web page;

determining a customer web server from the plurality of mirrored customer web servers that is appropriate for the request, the customer web server having a traffic load lower than traffic loads of remaining customer web servers from the plurality of mirrored customer web servers;

determining an IP address of the customer web server;

directing the request from the user to the customer web server;

thereafter

receiving a request from the user for static content on the web page at a second web address, the second web address including the hostname;

determining service metrics of caching servers in a network of caching servers;

determining the caching server from the network of caching servers that is appropriate for the request for static content, the caching server having service metrics better than service metrics of remaining caching servers from the network of caching servers;

retrieving the static content from the caching server; and

providing the static content to the user.

22. A method, comprising:

receiving a first request from a client DNS server to resolve a first domain name, the client DNS server receiving a request from a user of a web page address that includes the first domain name;

determining load measurements of a plurality of mirrored customer web servers, each of the customer web servers addressable by the first domain name, and each of the customer web servers configured to service the request from the user;

determining a customer web server from the plurality of mirrored customer web servers, the customer web server having a traffic load lower than traffic loads of other customer web servers from the plurality of mirrored customer web servers;

determining an IP address of the customer web server;

providing the IP address of the customer web server to the client DNS server; thereafter

receiving a second request from the client DNS server to resolve a second domain name, the client DNS server receiving a request from the user of a uniform resource locator that includes the second domain name;

determining performance metric measurement of caching servers in the network of caching servers, each of the caching servers addressable by the second domain name;

determining a caching server from the network of caching servers, the caching server having performance metrics lower than performance metrics of other caching servers from the network of caching servers;

providing the IP address of the caching server to the client DNS server;

retrieving data from the caching server in response to the uniform resource locator; and

providing the data to the user.

As discussed with the Examiner during the June 22, 2004 telephone interview, there is no teaching or suggestion in Chauhan or Scharber to combine the references as suggested by the Office Action. Chauhan concentrates on the operation of mirrored server sites while Scharber concentrates on the caching protocol of cache servers. There is no teaching or suggestion in either reference to combine Chauhan and Scharber as the Office Action suggests.

Therefore, Chauhan in view of Scharber do not teach or disclose a system that determines a customer web server from the plurality of mirrored customer web servers

that is appropriate for the request, the customer web server having a traffic load lower than traffic loads of remaining customer web servers from the plurality of mirrored customer web servers and determines the caching server from the network of caching servers that is appropriate for the request for static content, the caching server having service metrics better than service metrics of remaining caching servers from the network of caching servers as claimed in Claims 1 and 8. Neither Chauhan nor Scharber contemplate such a system using both mirrored customer servers and caching servers as claimed in Claims 1 and 8.

Further, it would not have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the use of Scharber's POP cache serving into Chauhan's system because, using the Office Action's rationale, one would simply add more mirror sites to Chauhan's system to lessen load and traffic on other mirror sites.

Therefore, Chauhan in view of Scharber do not teach or disclose the invention as claimed.

Claims 1 and 8 are in allowable condition. Claims 2-7, and 9-14 are dependent upon independent Claims 1 and 8, respectively. Claims 15-20 have been canceled. Therefore, Applicant respectfully requests that the Examiner withdraw the rejection under 35 U.S.C. §103(a).

III. CONCLUSIONS & MISCELLANEOUS

Applicant respectfully requests that a timely Notice of Allowance be issued in this case.

The Applicants believe that all issues raised in the Office Action have been addressed and that allowance of the pending claims is appropriate. Entry of the amendments herein and further examination on the merits are respectfully requested.

The Examiner is invited to telephone the undersigned at (408) 414-1080 to discuss any issue that may advance prosecution.

No fee is believed to be due specifically in connection with this Reply. To the extent necessary, Applicants petition for an extension of time under 37 C.F.R. § 1.136. The Commissioner is authorized to charge any fee that may be due in connection with this Reply to our Deposit Account No. 50-1302.

Respectfully submitted,

HICKMAN PALERMO TRUONG & BECKER LLP

Dated: June 22, 2004

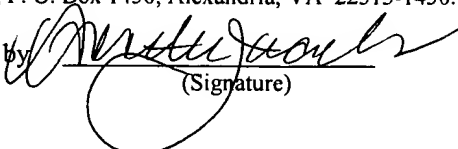

Kirk D. Wong
Reg. No. 43,284

1600 Willow Street
San Jose, California 95125-5106
Telephone No.: (408) 414-1080, x214
Facsimile No.: (408) 414-1076

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I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Mail Stop AF, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450.

on June 22, 2004
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by 
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